



Retention Guidelines for Identified English Learners

The landmark Supreme Court case *Lau v. Nichols* upheld Title VI policy stating: “There is not equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.” School corporations are required to take affirmative steps to rectify the language deficiency in order to open up their programs to identified English learners (*OCR, “Identification of Discrimination and Denial of Services on the Basis of National Origin”, July 1970*). Therefore, retention of an English learner **should not** be based solely upon their level of English language proficiency.

Prior to considering retention of an English learner, the following points should be addressed in an Individual Learning Plan (ILP) meeting comprised of the student’s teacher(s), EL teacher of record, administrator(s), and the student’s parents or guardians. Documentation and results of the ILP meeting must be kept in the student’s cumulative folder.

1. Has the student’s level of English language proficiency been assessed?

Newly-enrolled students must be assessed for identification of English learner status using the WIDA Screener within thirty (30) days of enrollment at the beginning of the school year or within two (2) weeks if enrolling during the school year. Each spring, all English learners must participate in the WIDA ACCESS assessment until reaching proficiency.

2. Has the student been enrolled in the school district for more than one full academic year?

The ILP committee should consider the length of time a student has been enrolled in the school corporation in order to determine whether retention is an appropriate choice. Consider whether the student has been enrolled in the school long enough for the committee to make an informed decision.

3. Has the student’s parent(s) or guardian(s) been contacted if the student is not performing at grade level from the onset of academic struggle?

The student’s parent(s) or guardian(s) should be communicated with from the onset of when a student is demonstrating academic challenges. All communication must be documented and in the parent(s) or guardian(s) native language. Documentation may include phone calls, progress reports, report cards, sample work, etc.

4. Has the Individual Learning Plan (ILP), documenting classroom modifications and accommodations, been implemented with fidelity?

Every identified English learner is required to have an Individual Learning Plan (ILP). Teachers are required to have copies of ILPs for any of their students, and all modifications and accommodations be implemented daily. Classroom modifications must be made in teacher lesson delivery, assignments and homework, and formal assessments, as indicated in the ILP. It is important to ensure that the ILP has been fully implemented and documentation has been provided for any changes or updates made to the ILP. The ILP is a fluid document that should be revisited and updated as new data becomes available, not less than once per school year.



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

5. How much individual English Language Development (ELD) instruction is the student receiving? Does the student have a qualified EL Teacher of Record (ToR) and qualified Teacher of Service delivering services?

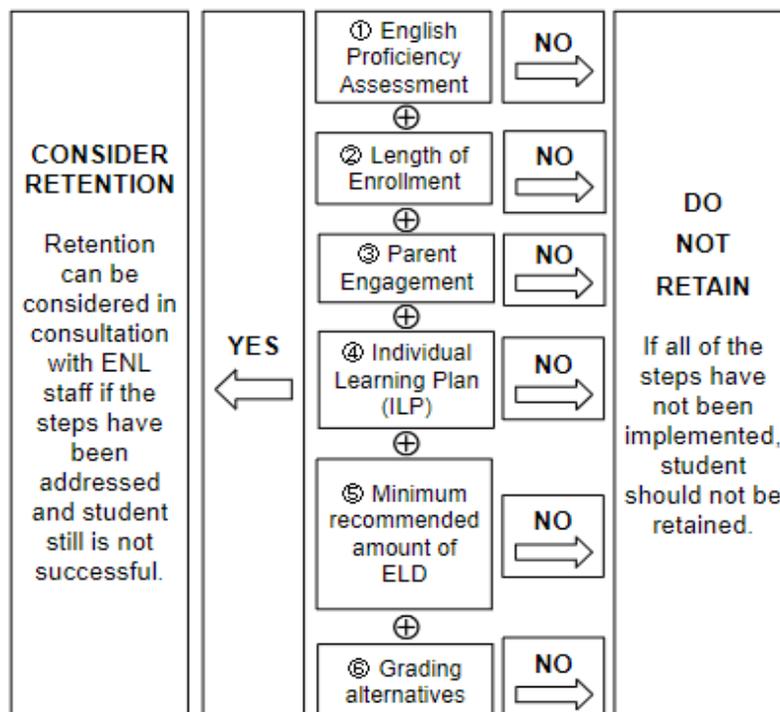
All English learners must receive English language development services until reaching proficiency. Recent Office of Civil Rights findings have cited that all English learner students are required to receive English language development services at least 30-45 minutes per day, 4-5 days a week in frequency and duration beyond standard English Language Arts instruction. These services must be delivered by either a qualified EL ToR, or a qualified EL Teacher of Service, overseen by an EL ToR.

6. Has an alternate grading strategy been implemented, such as a portfolio, contract, or rubric assessment?

Retention decisions for English learners should not be based on one specific piece of data, and alternative grading practices should be considered and implemented to best measure the student's content knowledge. There must be a collection of multiple data points showing that an English learner is consistently failing to meet grade level expectations on screening and progress monitoring instruments in spite of intentional language support and services.

If the above points have not occurred in a sufficient manner and have not been documented, retention is **not** appropriate. The decision to retain a student should be based on several pieces of criterion to determine if retention is appropriate.

Retention Flowchart



If you have any further questions, please contact englishlearners@doe.in.gov.